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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

v.

CHRISTOPHER ELMORE,

Defendant.

No. CR 3:13-mj-70400 LB

**STIPULATION AND [PROPOSED]
ORDER EXTENDING TIME LIMITS OF
RULE 5.1(c) AND EXCLUDING TIME**

On April 15, 2013, the parties in this case appeared before the Court for an initial appearance on a Complaint. On that date, the government moved for detention, and a detention hearing was scheduled for April 19, 2013. The parties now submit this Stipulation and Proposed Order Extending the Time Limits of Rule 5.1(c) and Excluding Time until May 20, 2013.

Pursuant to Rule 5.1(d), the defendant consents to this extension of time and waiver, and the parties represent that good cause exists for the extension, including the effective preparation of counsel. The requested continuance is needed to allow counsel sufficient time to prepare and review discovery that the government has provided, and the failure to grant the continuance

STIPULATION & [PROPOSED] ORDER EXTENDING TIME LIMITS AND EXCLUDING TIME
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requested would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Therefore, the parties agree that the Court shall order that the Speedy Trial clock shall be tolled for the reasons stated above from April 19, 2013 to May 20, 2013, and that the arraignment/ preliminary hearing be continued until May 30, 2013. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

SO STIPULATED:

MELINDA HAAG
United States Attorney

DATED: April 19, 2013

/S/
NATALIE LEE
Assistant United States Attorney

DATED: April 19, 2013

/S/
RITA BOSWORTH
Attorney for Christopher Elmore

[PROPOSED] ORDER

For the reasons stated above, the Court finds that the extension of time limits applicable under Federal Rule of Criminal Procedure 5.1(c) from April 19, 2013 through May 20, 2013 is warranted and that a continuance of the defendant's arraignment / preliminary hearing to May 20, 2013 is warranted; that exclusion of this period from the time limits applicable under 18 U.S.C. § 3161 is warranted; that the ends of justice served by the continuance under Rule 5.1 outweigh the interests of the public and the defendant in the prompt disposition of this criminal case; and that the failure to grant the requested exclusion of time would deny counsel for the defendant and for the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(iv).

IT IS SO ORDERED.

DATED: 4-23-13


THE HONORABLE MARIA-ELENA JAMES
United States Magistrate Judge